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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/612,219

07/02/2003

John Sheridan Richards

600.1281

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23280

7590

10/19/2005

DAVIDSON, DAVIDSON & KAPPEL, LLC
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EXAMINER

HAMDAN, WASSEEM H

ART UNIT

PAPER NUMBER

2854

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/612,219

Applicant(s)

RICHARDS, JOHN SHERIDAN

Examiner

Wasseem H. Hamdan

Art Unit

2854

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 October 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

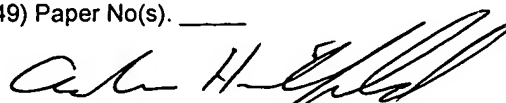
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.



**ANDREW H. HIRSCHFELD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800**

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's argues on page 6, that "Takeuchi does not teach or disclose "the plate or image making equipment providing the mark as a function of the determined desired preset phase for a motor driving the first printing form during printing." The examiner respectfully disagrees, because Takeuchi discloses determining step providing a mark [column 1, lines 44-45] on a first printing form [column 1, line 45 (printing form means the same as printing plate)] as a function of the determined desired preset phase for a motor driving the first printing form during printing [column 1, lines 46-48]. Since the cylinder (printing form) is driven by the motor, the phase deviations of the plate cylinder is the same as the phase deviation of the motor, as the motor is the driving force. As disclosed in Takeuchi et al. in column 1, lines 34-60, "Each sensor detects the phase deviation of the plate cylinders to carry out a registration operation", and column 2, lines 49-64 disclose "error correcting means for changing the rotational phase of each plate cylinder in response to the signal from the control means", i.e. when the mark position is changed accordingly]. Therefore the rejection is proper. Applicant's argues on page 7, that "With respect to claim 14, Takeuchi does not disclose a controller for determining the first preset motor phase information as a function of the output of the first sensor and determining the desired preset motor phase information and providing the desired preset motor phase information to the plate or image making equipment." The examiner respectfully disagrees, because Takeuchi et al. discloses a controller [column 1, line 55] for determining the first preset motor phase information as a function of the output of the first sensor [column 1, lines 42-60]. Therefore the rejection is proper. Applicant's argues on page 7, that "As with the arguments with respect to claim 1, Takeuchi does not provide preset motor phase information to the plate or image, Takeuchi does not provide preset motor phase information to the plate or image making equipment and there is no reason to do so." The examiner respectfully disagrees, because Takeuchi et al. discloses this limitations in claims 14, 15 and 16, but not in claim 1. As set forth in the office action mailed on 07/05/2005, pages 3, 5 and 7, Takeuchi discloses these limitations. Therefore the rejection is proper. The examiner position that the rejection is proper and the prior art as set forth in the office action mailed on 07/05/2005 reads on the claim language.